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VILMA SERRALTA

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VILMA SERRALTA,

Plaintiff,

v.

SAKHAWAT KHAN; ROOMY KHAN; and
DOES ONE through TEN, inclusive,

Defendants.

No. C 08-01427 CW

**DECLARATION OF CHRISTOPHER HO
IN SUPPORT OF PLAINTIFF'S REPLY
BRIEF IN SUPPORT OF MOTION TO
MODIFY CASE MANAGEMENT
SCHEDULE**

[Fed.R.Civ.P. 16(b)(4), Civ. L.R. 16-2(d)]

[Hon. Claudia Wilken]

1 I, CHRISTOPHER HO, declare as follows:

2 1. I am a member of the Bar of this Court, and am one of the counsel for the plaintiff
3 in this action. I have personal knowledge of the matters contained herein, and could and would
4 testify competently thereto if called as a witness.

5 2 I make this declaration in support of plaintiff's motion to modify the case
6 management schedule in this action.

7 3. The matters in this declaration supplement the recitation of events contained in
8 plaintiff's opening papers on this motion and in the Declaration of Matthew Goldberg in support
9 of this motion, previously filed in this matter at Docket Nos. 68 and 69, respectively.

10 4. Appended hereto as Exhibit A is a true and correct copy of Defendant Roomy
11 Khan's Supplemental Responses to Plaintiff's First Set of Special Interrogatories.

12 5. The "supplemental" answers contained therein only came five months after
13 defendants' initial refusal, in July of last year, to answer *any* of plaintiffs' interrogatories. (A
14 true and correct copy of defendant Roomy Khan's July objections to those interrogatories is
15 appended hereto as Exhibit B.)

16 6. As the Court is aware, plaintiff was required to bring a motion to compel answers
17 to those interrogatories before defendants ultimately consented to provide substantive responses.
18 Defendants finally did so on December 19, 2008, as a condition precedent to the withdrawal of
19 their prior defense counsel, Wilson Sonsini Goodrich & Rosati LLP.

20 7. In their December responses, defendants provided information concerning at least
21 22 potential witnesses in their answers to Interrogatory Nos. 1, 2, 3, and 5. Prior to being served
22 with these responses, plaintiff had only been aware of the identities of 3 of the witnesses
23 disclosed therein.

24 8. As can be seen in defendants' responses to Interrogatory No. 1, in some cases
25 only names were provided, without any contact information. Exh. A, 3:1, 3:5-6.

26 9. Other "witnesses" are identified by company name only. Exh. A, 2:19-21, 2:23-
27 25, 3:5, 3:8-12, 3:14, 3:17-18. Still others are identified by first name only. Exh. A, 3:4, 3:17.

1 10. At least four witnesses, house guests of the defendants, were disclosed for the
2 first time, with contact information indicating that they currently reside overseas. Exh. A, 8:4-
3 13.

4 11. After the intervening December holidays, and diligent efforts to narrow down the
5 number of witnesses we would attempt to pursue at this juncture due to time and resource
6 constraints, our office beginning in early January forwarded a subset of those witnesses to a
7 private investigative service so that they could be located and contacted.

8 12. As of a few days ago, only one of those witnesses had been located, due to
9 problems with non-matching names, obsolete cellular telephone numbers, absence of voice mail
10 or answering machines at the putative witnesses' telephone numbers, and the like.

11 13. Based on my experience, it is likely that the depositions of the defendants and two
12 witnesses identified by the defense that are set to take place next week will lead to the discovery
13 of additional factual evidence that will need to be followed up on as part of a diligent
14 prosecution of this matter.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct, and that this declaration was executed at San Francisco, California
17 on January 28, 2009.

18
19
20 /S/ Christopher Ho
21 CHRISTOPHER HO